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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,510	12/20/2001	Dany D. Sylvain	7000-089	4477
27820 7590 04/02/2007 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518			EXAMINER TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/02/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

50K

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/028,510	SYLVAIN, DANY D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	PHUC H. TRAN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This communication is in response to the Appeal Brief filed 12/11/2006. Claims 1-27 are pending in the application. Detailed action is followed:

#### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-27 are rejected under 35 U.S.C. 101 because claimed invention is directed to non-statutory subject matter. Claim 1, and 10 recite a system, and a method respectively. Both of these claims ~~are~~ appear include a judicial exception to 35 U.S.C 101 (i.e., an abstract idea). Note that the method steps recited in claim 10 and the element recited in claim 1 are disclosed by the specification, and claimed in claim 19 as computer instructions. Since there are no practical applications claimed, i.e., no physical transformations take place, nor a useful, concrete and tangible result being produced, the claims are non-statutory.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6, 9-15, 18-24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Tonnby et al. (U.S. Patent No. 6320857 B1).

- With respect to claims 1, 10, and 19, Tonnby teaches a system (e.g. the system in Fig. 4) comprising: a) an interface adapted to facilitate media communications (e.g. interfaces 4 and ports in Fig. 4); and

b) a control system (blocks 8 and 10 in Fig. 4) associated with the interface (e.g. ports connect to links 14,15,23-26 in Fig. 4) and providing a combined user agent (e.g. the blocks 8 and 10 support voice and data as Fig. 4 shows), which is adapted to:

represent a telephone (1 and 6 in Fig. 3) and a computing device (2 and 21 in Fig. 4) as a single multimedia device capable of supporting voice and media sessions (e.g. user A and B in Fig. 4);

communicate with a circuit-switched telephony switch (e.g. PSTN 3 in Fig. 4) to establish a connection with the telephone (e.g. the telephone 1 of user A in Fig. 3 want to connect with the telephone 6 of user B in Fig. 3) through the circuit-switched telephony switch (e.g. the telephone 1 connect with modem 4 through PSTN 3 and through the control system 8

Art Unit: 2616

&10 in Fig. 3) to facilitate a voice session with another voice-capable device (e.g. the communication between 1 and 6 in Fig. 3); and

communicate with the computing device to establish a media session between the computing device and another media-capable device (e.g. the line 14 in Fig. 3 shows the ongoing IP session),

wherein the combined user agent appears (e.g. blocks 8 & 10 in Fig. 4) to network devices as a multimedia client (e.g. users in Fig. 4) supporting voice and media sessions and interacts with the circuit-switched telephony switch (e.g. the PSTN 3) as well as the computing device to facilitate the voice and media sessions (e.g. block users A and B in Fig. 4, support voice and data).

- With respect to claims 2, 11, and 20, Tonnby also teaches wherein the combined user agent is further adapted to associate the connection and media session with one another (e.g. Fig. 4 shows links 14, 15 and 23 for ongoing IP session and voice, col. 6, lines 25-29).

- With respect to claims 3, 12, and 21, Tonnby further teaches wherein the combined user agent is further adapted to provide information associated with the connection to the computing device for use in an application associated with the media session (e.g. Fig. Shows the ongoing IP session when a incoming call see col. 5, lines 50-60).

- With respect to claims 4,13, and 22, Tonnby teaches wherein the combined user agent is further adapted to communicate with the circuit-switched telephony switch using call signaling messages required to establish and control the connection between the telephone and the voice-capable device (see col. 4, lines 32-35).

Art Unit: 2616

- With respect to claims 5, 14, and 23, Tonnby discloses wherein the combined user agent is further adapted to communicate with the circuit-switched telephony switch using a first protocol (col. 4, lines 58-60).

- With respect to claims 6, 15, and 24, Tonnby teaches wherein the combined user agent is further adapted to communicate with the computing device with signaling messages required to establish and control a media session between the computing device and the media-capable device using a second protocol (col. 4, lines 44-46).

- With respect to claims 9, 18, and 27, Tonnby teaches wherein the media session established between the computing device and another media capable device is at least one of the group consisting of video session, screen sharing session, audio streaming, video streaming, information streaming, voicemail, email, gaming, advertising, and instant messaging session (col. 9, lines 21-23).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-8, 16-17, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby et al. (U.S. Patent No. 6320857 B1) in view of Schuster et al. (U.S. Patent No. 6822957 B1).

Art Unit: 2616

- With respect to claim 7-8, 16-17, and 25-26, Tonnby discloses all the aspect of the claimed invention as set forth above but fails to teach wherein the combined user agent is further adapted to use the session initiation protocol, SIP, when representing the multimedia device to other SIP devices. Schuster teaches SIP for signaling. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the session initiation protocol for setup communication in the network.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McMullin (U.S. Patent No. 5809128) discloses method and apparatus permitting notification and control of blocked incoming calls over data network.

Tonnby et al. (U.S. Patent No. 6515996 B1) discloses modem with IP support.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172.

The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran  
Assistant Examiner  
Art Unit 2664

P.t  
3/29/07



CHI PHAM  
SUPERVISORY PATENT EXAMINER

3/29/07